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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,164	01/20/2004	Francisco De La Cruz	AUS920040029US1	2565
43307	7590	06/13/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATILLO P. O. BOX 161327 AUSTIN, TX 78716			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Sm

Office Action Summary	Application No.		Applicant(s)	
	10/761,164		CRUZ ET AL.	
	Examiner		Art Unit	
	Edward Raymond		2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040120</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Matena et al.

Matena et al. teach a system for enabling remote enterprise management of high availability systems, comprising: a particular high availability system of a plurality high availability systems communicatively connected to a remote enterprise server via a network (Claims 1, 7, 13 and 19: see paragraph 78: The Examiner notes that the distributed computer system is equivalent to the high availability system for remote enterprise management); a cluster management controller for monitoring a status of a particular component of the high availability system (Claims 1, 7, 13, and 19: see paragraphs 85 and 121) and reacting to adjust the high availability system when the status indicates an error (Claims 1, 7, 13 and 19: see paragraphs 123 and 124); a monitoring controller for detecting when the cluster management controller reacts to the status of the particular component (Claims 1, 7, 13 and 19: see paragraph 174: The Examiner notes that the node controller monitors when the component has failed and

an execution is performed to correct it) and detecting a condition of a plurality of components of the high availability system (Claims 1, 7, 13 and 19: see paragraph 175), wherein the monitoring controller reports the error and the condition of the plurality of components to the remote enterprise server enabled (Claims 1, 7, 13 and 19: see paragraph 180) to manage the high availability system based on the report (Claims 1, 7, 13 and 19: see paragraph 181: The Examiner notes that the distribution manager 1802 manages the execution of the service of the failed node based on the report).

Matena et al. teach a system for enabling remote enterprise management of high availability systems, the particular high availability system further comprising: a plurality of server implementing a J2EE compliant middleware stack (Claims 2, 8, and 14: see paragraph 94) monitored by the cluster management controller (Claims 2, 8, and 14: see paragraphs 95 and 96: The Examiner notes that the plurality of application controllers is a equivalent to a cluster management controller).

Matena et al. teach a system for enabling remote enterprise management of high availability systems, the cluster management controller further comprising: a heartbeat monitor for detecting a status of a primary node of the high availability system (Claims 3, 9, and 15: see paragraph 330).

Matena et al. teach a system for enabling remote enterprise management of high availability systems, the cluster management controller further comprising: a service monitor daemon for detecting a status of a service provided by a middleware layer of the high availability system (Claims 4, 10, and 16: see paragraph 423: The Examiner

notes that a service application controller is equivalent to a the function of detecting a status of a service provider).

Matena et al. teach a system for enabling remote enterprise management of high availability systems, wherein the monitoring controller receives a configuration request from the remote enterprise server (Claims 5, 11, and 17: see paragraph 129: The Examiner notes that a configuration request is equivalent to a controller specifying the file, since it is optional) and adjusts a configuration for how the cluster management controller will react to adjust the high availability system (Claims 5, 11, and 17: see paragraph 344).

Matena et al. teach a system for enabling remote enterprise management of high availability systems, wherein the monitoring controller receives a configuration request from the remote enterprise server and adjusts a hardware configuration of the high availability system according to the request (Claims 6, 12, and 18: see paragraphs 214 and 344).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Geil et al. teach a method and system for auditing an enterprise configuration.

Contact Information

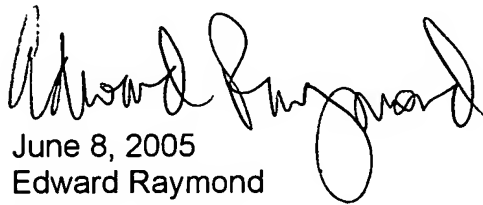
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-

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2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Edward Raymond", is written over the typed name and title.

June 8, 2005
Edward Raymond
Patent Examiner
Art Unit 2857